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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,227	08/18/2003	Thomas D. Ray III	066575-0008	2201

7590 05/27/2005

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,227

Applicant(s)

RAY ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1 - 11 in the reply filed on April 21, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Treleaven et al. (USPGPub 2001/0052386 A1).

Treleaven et al. disclose a paperback rider instantly redeemable coupon comprising a liner including inner and outer sections on a first surface thereof (Figure 1, #110), a booklet, hinged layers, including first and second surfaces (Page 4, Paragraph 0042), said first and surface of said booklet being supposed substantially adjacent said inner section on said first surface of said liner (Page 4, Paragraph 0043), a first laminate being adhesively affixed to said second

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surface of said booklet and including inner and outer sections on first and second faces thereof, said inner section of said first face of said first laminate being affixed to said booklet, said outer section of said first faces of said first laminate being affixed to said outer section of said liner to substantially enclose said booklet between said first laminate (Page 4, Paragraph 0042) and said liner and an IRC disposed substantially adjacent said inner section on said second face of said first laminate and having a second laminate including inner and outer sections on first face thereof, said inner section of said second laminate being affixed to said IRC and said outer section of said second laminate being affixed to said outer section of said second face of said first laminate (Page 4, Paragraph 0044) as in claim 1. With regard to claim 6, in another embodiment, an IRC is disposed on a second face of said laminate and releasably affixed thereto by a dry release adhesive for permitting separation (Page 6, 0064). The liner and first and second laminates are made of transparent material (Page 2, Paragraphs 0029 and 0032) with the second face of the liner having an adhesive layer (Page 2, Paragraph 0027) as in claims 2, 3, 7, and 8. As in claims 4 and 9, the outer sections of said liner and first and second laminates include perforations for separating the IRC from the paperback rider IRC (Page 4, Paragraph 0042). With regard to claims 5 and 10, the IRC is a coupon (Page 6, Paragraph 0064). The surface area of the IRC may be substantially smaller than a surface area of said booklet (Figure 15) as in claim 11.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Patent No. 5,284,363 to Gartner et al. is cited to show the state of the art with regard to multi-layer labels using hinged material, booklets, to display information about a product.

U.S. Patent No. 6,057,019 to Barry is cited to show the state of the art with regard to multi-layer labels using hinged material, booklets, to display information about a product, wherein the label includes two separate folded sections.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772


pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 5/24/05